

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT

THE STATE OF VERMONT,

*Plaintiff,*

v.

EVERNORTH HEALTH, INC., et al.,

*Defendants.*

Civil Action No. 2:24-cv-1103

Hon. Mary Kay Lanthier

**Oral Argument Requested**

**DEFENDANTS' MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

Defendants Evernorth Health, Inc., Express Scripts, Inc.; Express Scripts Administrators, LLC; ESI Mail Pharmacy Service, Inc.; Medco Health Solutions, Inc.; Express Scripts Pharmacy, Inc.; Accredo Health Group, Inc.; Ascent Health Services LLC; CVS Health Corporation; CVS Pharmacy, Inc.; Caremark Rx, L.L.C.; CaremarkPCS Health, L.L.C.; Caremark, L.L.C.; Zinc Health Ventures, L.L.C.; Zinc Health Services, L.L.C.; Caremark Arizona Specialty Pharmacy, L.L.C.; Caremark California Specialty Pharmacy, L.L.C.; Caremark Florida Specialty Pharmacy, L.L.C.; Caremark Illinois Specialty Pharmacy, L.L.C.; Caremark Kansas Specialty Pharmacy L.L.C.; Caremark Massachusetts Specialty Pharmacy, L.L.C.; Caremark Michigan Specialty Pharmacy, L.L.C.; Caremark New Jersey Specialty Pharmacy, L.L.C.; Caremark North Carolina Specialty Pharmacy, L.L.C.; and Caremark Tennessee Specialty Pharmacy, L.L.C. (collectively, “Defendants”)<sup>1</sup> request that the Court dismiss with prejudice the Plaintiff State of Vermont’s First

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<sup>1</sup> Several Defendants—including Evernorth Health, Inc.; Express Scripts Administrators, LLC; ESI Mail Pharmacy Service, Inc.; Express Scripts Pharmacy, Inc.; Ascent Health Services LLC; CVS Health; CVS Pharmacy, Inc.; Caremark Rx, L.L.C.; CaremarkPCS Health, L.L.C.; Caremark, L.L.C.; Caremark Arizona Specialty Pharmacy, L.L.C.; Caremark California Specialty Pharmacy, L.L.C.; Caremark Florida Specialty Pharmacy, L.L.C.; Caremark Illinois Specialty Pharmacy, L.L.C.; Caremark Kansas Specialty Pharmacy L.L.C.; Caremark Massachusetts, L.L.C.; Caremark

Amended Complaint, ECF No. 26, for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6). Defendants' Motion is supported by the Memorandum of Law filed simultaneously herewith.

**Oral Argument Requested**

Defendants respectfully request oral argument on this Motion given the complexities of the industry at issue and the intricacies of the arguments that follow.

Dated: April 15, 2025

Respectfully submitted,

RULE GARZA HOWLEY LLP

DOWNS RACHLIN MARTIN PLLC

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Michigan Specialty Pharmacy, L.L.C.; Caremark New Jersey Specialty Pharmacy, L.L.C.; Caremark North Carolina Specialty Pharmacy, L.L.C.; Caremark Tennessee Specialty Pharmacy, L.L.C.; Zinc Health Ventures, L.L.C.; and Zinc Health Services, L.L.C.—previously moved to be dismissed from this action for lack of personal jurisdiction. *See* Defendants' Motions to Dismiss for Lack of Personal Jurisdiction, ECF Nos. 71, 72. This Motion incorporates and is made without waiver to those arguments.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on April 15, 2025 a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties in this case by operation of the Court's CM/ECF system. Parties may access this filing through the Court's CM/ECF system.

/s/ Gina M. Puls  
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